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Docket No.: PF-0346-1 DIV

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HILLMAN et al.

Title: T-CELL RECEPTOR PROTEIN (AS AMENDED)

Serial No.: 09/405,940

Filing Date: 27th September, 1999

Examiner: EWOLDT, G.

Group Art Unit: 1644

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is in response to the Restriction Requirement mailed 11th September, 2000, Paper Number 6, in the above-referenced application. This communication is timely filed.

2. Claims 1-21 were originally filed. In a preliminary amendment at the time of filing, Applicants requested cancellation of claims 3-12 and submitted new claims 22 and 23. In the Office Action, the Examiner requested Applicants to elect claims corresponding to one of the following inventions:

Group I	Claims 1, 2, and 13	drawn to T-cell receptor beta-like protein, variants, and pharmaceutical compositions.
Group II	Claim 14	drawn to an antibody.
Group III	Claim 15	drawn to an agonist.
Group IV	Claim 16	drawn to an antagonist.
Group V	Claim 17	drawn to a method of treating cancer.
Group VI	Claims 18 and 21	drawn to a method of treating cancer.
Group VII	Claim 19	drawn to to method of treating an autoimmune disorder.
Group VIII	Claim 22	drawn to methods of detecting a polynucleotide comprising hybridization.
Group IX	Claim 22	drawn to methods of screening a library.
Group X	Claim 23	drawn to a library.

Applicants respectfully draw the Examiner's attention to the invention of Group VIII which is stated as including claim 22, drawn to methods of detecting a polynucleotide comprising hybridization. Applicants respectfully note that claim 22 is drawn to a method of screening a library. Applicants suggest that the Examiner instead wished to include claim 20 in Group VIII, which is drawn to methods of detecting a polynucleotide comprising hybridization.

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In response to the Restriction Requirement, Applicants elect Group I (claims 1, 2, and 13) with traverse. Applicants submit that the invention encompassed by the claims of Group II (drawn to an antibody which binds T-cell receptor beta-like protein), the claims of Group III (drawn to an agonist of T-cell receptor beta-like protein), the claims of Group IV (drawn to an antagonist of T-cell receptor beta-like protein), the claims of Group IX (drawn to methods of using T-cell receptor beta-like protein) and the claims of Group X (drawn to libraries used in the method claim of Group IX) could be examined at the same time as the inventions encompassed by the claims of Group I (drawn to T-cell receptor beta-like protein, variants, and compositions).

Since the polynucleotide claims were previously allowed, the previously conducted search of the prior art to determine the novelty of the polynucleotide encoding the protein of the invention would provide information regarding the novelty of the protein which then is useful in a method of screening libraries of molecules which bind the protein and in a method of purifying molecules or compounds which bind the protein. In addition, a search of the prior art to determine the novelty of the protein would provide information regarding the novelty of a molecule or compound which binds to the protein of the invention. Furthermore, a search of the prior art to determine the novelty of the protein would provide information regarding the novelty of an antibody which binds to the protein of the invention. Accordingly, Applicants submit that examination of claims 1, 2, 13-16, 22, and 23 would not pose undue burden. Thus, Applicants respectfully request reconsideration of the Restriction Requirement and examination of Groups I, II, III, IV, IX, and X, claims 1, 2, 13-16, 22, and 23.

Applicants hereby cancel claims 14-23 without prejudice to renewal as being contained within the non-elected groups. Applicants reserve the right to prosecute the non-elected claims in subsequent divisional applications.

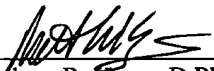
Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Incyte Pharmaceuticals, Inc. Deposit Account No. 09-0108. This form is enclosed in duplicate.

Respectfully submitted,
INCYTE GENOMICS, INC.

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Date: 22nd September 2000


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